

The opinion in support of the decision being entered today was not written
for publication and is not binding precedent of the Board.

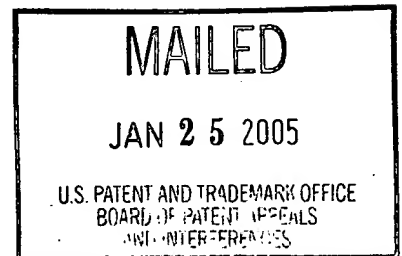
Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte WILHELM ELSNER

Appeal No. 2003-0841
Plant Patent Application No. 09/664,247



ORDER REMANDING TO THE EXAMINER

Before WILLIAM F. SMITH, ADAMS, and GRIMES,¹ Administrative Patent Judges.

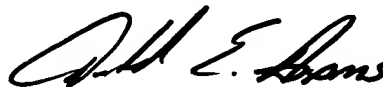
WILLIAM F. SMITH, Administrative Patent Judge.

In view of the mandate of the court, Paper No. 28, we remand the application to
the examiner for further action consistent with the court's opinion.

REMANDED


William F. Smith

Administrative Patent Judge



Donald E. Adams
Administrative Patent Judge



Eric Grimes
Administrative Patent Judge

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) BOARD OF PATENT
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) APPEALS AND
) INTERFERENCES
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¹ Administrative Patent Judge Winters has retired and Administrative Patent Judge Grimes has
been substituted. Note, In re Bose, 772 F.2d 866, 227 USPQ 1 (Fed. Cir. 1985).

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